

**U.S. District Court
DISTRICT OF KANSAS (Kansas City)
CIVIL DOCKET FOR CASE #: 2:17-cv-02706-DDC-TJJ**

DocuFreedom Inc. v. United States Department of Justice et al
Assigned to: District Judge Daniel D. Crabtree
Referred to: Magistrate Judge Teresa J. James
Cause: 05:552 Freedom of Information Act

Date Filed: 12/13/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DocuFreedom Inc.

represented by **Matthew L. Hoppock**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Christopher Allman**
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Defendant

Karen McFadden
TERMINATED: 08/16/2019

represented by **Christopher Allman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robin R. Anderson
(See above for address)

Date Filed	#	Docket Text
12/13/2017	<u>1</u>	COMPLAINT with trial location of Kansas City (Filing fee \$400, Internet Payment Receipt Number AKSDC-4353381.), filed by DocuFreedom Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T)(Hoppock, Matthew) (Entered: 12/13/2017)
12/13/2017	<u>2</u>	CIVIL COVER SHEET by Plaintiff DocuFreedom Inc.. (Hoppock, Matthew) (Entered: 12/13/2017)
12/13/2017		NOTICE OF JUDGE ASSIGNMENT: Case assigned to District Judge Daniel D. Crabtree and Magistrate Judge Teresa J. James for all proceedings. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (tvn) (Entered: 12/13/2017)
12/13/2017		NOTICE OF DEFICIENCY – Designation of place of trial is missing. The filing party/attorney is directed to correct the deficiency immediately.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (tvn) (Entered: 12/13/2017)
12/21/2017	<u>3</u>	DESIGNATION OF PLACE OF TRIAL filed by Plaintiff DocuFreedom Inc. – trial to be held in Kansas City. (Hoppock, Matthew) (Entered: 12/21/2017)
12/22/2017		SUMMONS ISSUED as to Karen McFadden, U.S. Department of Justice. (issued to Attorney for service) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry) (sw) (Entered: 12/22/2017)
02/08/2018	<u>4</u>	SUMMONS RETURNED EXECUTED — Certified Mail by DocuFreedom Inc. upon All Defendants. (Attachments: # <u>1</u> Exhibit USPS Return Receipt US Attorney, # <u>2</u> Exhibit USPS Return Receipt Attorney General, # <u>3</u> Exhibit USPS Return Receipt Karen McFadden)(Hoppock, Matthew) (Entered: 02/08/2018)
02/08/2018	<u>5</u>	UNOPPOSED MOTION for Extension of Time to File Answer by Defendants Karen McFadden, United States Department of Justice. (referred to Magistrate Judge Teresa J. James) (Attachments: # <u>1</u> Exhibit 1)(Anderson, Robin) (Entered: 02/08/2018)
02/12/2018	<u>6</u>	ORDER granting <u>5</u> Defendants U.S. Department of Justice and Karen McFadden's Unopposed Motion to File Answer or Responsive Pleading Out of Time. Defendants are hereby granted an extension of time, up to and including 3/9/2018, in which to answer or otherwise respond to Plaintiff's <u>1</u> Complaint for Declaratory and Injunctive Relief. Signed by Magistrate Judge Teresa J. James on 2/12/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 02/12/2018)
03/09/2018	<u>7</u>	UNOPPOSED MOTION for Leave to Amend Complaint re <u>1</u> Complaint (attorney) by Plaintiff DocuFreedom Inc. (referred to Magistrate Judge Teresa J. James) (Attachments: # <u>1</u> Exhibit A – Proposed First Amended Complaint)(Hoppock, Matthew) (Entered: 03/09/2018)
03/12/2018	<u>8</u>	ORDER granting Plaintiff's <u>7</u> Unopposed Motion for Leave to Amend Complaint and to Extend Defendants' Answer Deadline. Plaintiff is ordered to electronically file its First Amended Complaint within seven (7) days of the date of this Order. Pursuant to an agreement between the parties, Defendants are granted an extension of time, up to and including thirty (30) days after Plaintiff files its First Amended Complaint, in which to answer or otherwise respond to Plaintiff's First Amended Complaint. Signed by Magistrate Judge Teresa J. James on 3/12/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 03/12/2018)
03/15/2018	<u>9</u>	AMENDED COMPLAINT against All Defendants, filed by DocuFreedom Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u>

		Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit S, # <u>19</u> Exhibit T, # <u>20</u> Exhibit U, # <u>21</u> Exhibit V)(Hoppock, Matthew) (Entered: 03/15/2018)
04/16/2018	<u>10</u>	UNOPPOSED MOTION to Stay Case <i>for 45 days</i> by Defendants Karen McFadden, United States Department of Justice. (referred to Magistrate Judge Teresa J. James) (Anderson, Robin) (Entered: 04/16/2018)
04/19/2018	11	ORDER STAYING CASE. The Court hereby grants <u>10</u> Defendants' Unopposed Motion to Stay Case for 45 Days. The Court finds that the requested 45-day stay of the case will save time and effort for the parties, counsel, and the Court by allowing time for Defendants to identify exemptions and statutory exceptions for withheld materials and begin production of the disclosable materials, which may moot Plaintiff's FOIA claims or narrow the issues. Accordingly, the Court hereby stays this case, including Defendants' answer deadline, all Fed. R. Civ. P. 26(a) and (f) requirements, pretrial proceedings, and discovery, for a period of 45 days up to and including until <u>June 4, 2018</u> . Defendants shall file a status report on <u>June 4, 2018</u> , which advises the Court regarding the status of Defendants' ongoing efforts to identify exemptions and exceptions and produce disclosable materials, and provides a proposal for further action in the case. Signed by Magistrate Judge Teresa J. James on 4/19/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 04/19/2018)
06/04/2018	<u>12</u>	STATUS REPORT by Karen McFadden, United States Department of Justice. (Anderson, Robin) (Entered: 06/04/2018)
06/05/2018	13	ORDER CONTINUING STAY: The Court has reviewed Defendants' <u>12</u> Status Report which requests a 30-day extension of this Court's 11 Order Staying Case. The Court finds that Defendants have produced the majority of materials Plaintiff requested in its First Amended Complaint. The Court finds that extending the stay will allow the parties to resolve the remaining items and further discuss any remaining contested matters in this FOIA case. Accordingly, the Court hereby continues the stay of this case, including Defendants' answer deadline, all Fed. R. Civ. P. 26(a) and (f) requirements, pretrial proceedings, and discovery, for a period of 30 days up to and including <u>July 5, 2018</u> . Defendants shall file a status report on <u>July 5, 2018</u> , which sets forth the status of remaining pending issues, if any, and which proposes a briefing schedule to address any issues that remain in the case. Signed by Magistrate Judge Teresa J. James on 6/5/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 06/05/2018)
07/05/2018	<u>14</u>	STATUS REPORT by Karen McFadden, United States Department of Justice. (Anderson, Robin) (Entered: 07/05/2018)
07/06/2018	15	ORDER SETTING TELEPHONE STATUS CONFERENCE: The Court has reviewed Defendants' <u>14</u> Status Report. As requested in the Status Report, a telephone status conference is set for <u>8/6/2018 at 01:30 PM (central time)</u> before Magistrate Judge Teresa J. James to discuss which, if any, scheduling deadlines need to be set in this matter beyond briefing, and the most effective and efficient briefing schedule that will put the remaining issues before the court for ultimate resolution. Participating counsel must dial 1-888-363-4749 and enter ACCESS CODE 4901386 to join the conference. Signed by Magistrate Judge Teresa J. James on 7/6/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(byk) (Entered: 07/06/2018)
08/06/2018	16	MINUTE ENTRY and ORDER from proceedings held before Magistrate Judge Teresa J. James: TELEPHONE STATUS CONFERENCE held on 8/6/2018. Plaintiff appeared through counsel, Matthew L. Hoppock. Defendants appeared through counsel, Robin R. Anderson. The parties reported they have made additional progress in resolving issues related to Defendants' production of materials Plaintiff has requested under FOIA. After discussion with counsel, the Court set the following deadlines. No later than <u>September 6, 2018</u> , the Department of Justice shall make an agency decision regarding the release and production of item 42, as the parties refer to it, and advise Plaintiff of its decision. Defense counsel shall file a notice of compliance. No later than <u>30 days after the agency decision</u> , Defendants shall file a brief setting forth argument on any items they have withheld on the grounds of work product or not being agency records. Plaintiff shall respond <u>within 30 days of the filing of the motion</u> . If Defendants feel a reply is necessary, it shall be filed <u>within two</u>

		<u>weeks of Plaintiff's response</u> . If the agency is unable to make its decision by September 6, defense counsel shall contact the undersigned Magistrate Judge's chambers before the deadline expires to seek an extension. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 08/07/2018)
09/07/2018	<u>17</u>	ORDER. Defendants have advised they are still awaiting a decision by the Department of State regarding the single outstanding production issue in this FOIA case. Accordingly, Defendants seek an extension of the deadlines contained in the 16 order. After consideration of the matter, the Court extends the following deadlines. No later than <u>October 9, 2018</u> , the Department of State shall make an agency decision regarding the release and production of item 42, as the parties refer to it, and advise Plaintiff of its decision. Defense counsel shall file a notice of compliance. No later than <u>30 days after the agency decision</u> , Defendants shall file a brief setting forth argument on any items they have withheld on the grounds of work product or not being agency records. Plaintiff shall respond <u>within 30 days</u> of the filing of the motion. If Defendants feel a reply is necessary, it shall be filed within <u>two weeks</u> of Plaintiff's response. If the agency is unable to make its decision by October 9, defense counsel shall contact the undersigned Magistrate Judge's chambers before the deadline expires to seek an extension. Signed by Magistrate Judge Teresa J. James on 9/7/2018. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ts) (Entered: 09/07/2018)
10/04/2018	<u>18</u>	NOTICE of Decision on Item 42 by Karen McFadden, United States Department of Justice (Anderson, Robin) (Entered: 10/04/2018)
10/29/2018	<u>19</u>	MOTION for Summary Judgment by Defendants Karen McFadden, United States Department of Justice (Anderson, Robin) (Entered: 10/29/2018)
10/29/2018	<u>20</u>	MEMORANDUM IN SUPPORT of <u>19</u> MOTION for Summary Judgment by Defendants Karen McFadden, United States Department of Justice (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Anderson, Robin) (Entered: 10/29/2018)
11/29/2018	<u>21</u>	***DOCUMENT FILED IN ERROR. PLEASE SEE <u>22</u> FOR CORRECT FILING. ***RESPONSE by Plaintiff DocuFreedom Inc. re <u>19</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Hoppock, Matthew) Modified on 11/29/2018 (tvn). (Entered: 11/29/2018)
11/29/2018	<u>22</u>	RESPONSE by Plaintiff DocuFreedom Inc. re <u>19</u> MOTION for Summary Judgment (<i>amending prior filing to correct certificate of service</i>) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Hoppock, Matthew) (Entered: 11/29/2018)
12/12/2018	<u>23</u>	REPLY TO RESPONSE TO MOTION by Defendants Karen McFadden, United States Department of Justice re: <u>19</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A)(Anderson, Robin) (Entered: 12/12/2018)
02/28/2019	<u>24</u>	WITHDRAWAL OF COUNSEL by Robin R. Anderson and ENTRY OF APPEARANCE OF SUBSTITUTED COUNSEL by Christopher Allman on behalf of All Defendants (Allman, Christopher) (Entered: 02/28/2019)
08/16/2019	<u>25</u>	MEMORANDUM AND ORDER granting in part and denying in part <u>19</u> defendant United States Department of Justice's Motion for Summary Judgment. IT IS FURTHER ORDERED THAT defendant Karen McFadden is dismissed from this case. See order for additional deadlines and details. Signed by District Judge Daniel D. Crabtree on 08/16/2019. (tvn) (Entered: 08/16/2019)
09/13/2019	<u>26</u>	ENTRY OF APPEARANCE by Wendy A. Lynn on behalf of United States Department of Justice. (Lynn, Wendy) (Entered: 09/13/2019)
09/13/2019	<u>27</u>	Unopposed MOTION for extension of time <i>to comply with Court's Order</i> by Defendant United States Department of Justice (Lynn, Wendy) (Entered: 09/13/2019)
09/13/2019		MOTION REFERRAL to Magistrate Judge REMOVED as to: <u>27</u> Unopposed MOTION for extension of time <i>to comply with Court's Order</i>. The motion will be resolved by the District Judge. (ts) (Entered: 09/13/2019)
09/16/2019	<u>28</u>	ORDER granting <u>27</u> Motion for Extension of Time to Comply with Court's Order (Doc. 25). Defendant's deadline to respond is extended to September 30, 2019. Signed

		by District Judge Daniel D. Crabtree on 09/16/2019. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mig) (Entered: 09/16/2019)
09/30/2019	<u>29</u>	NOTICE of In Camera Submission by United States Department of Justice re <u>25</u> Order on Motion for Summary Judgment, (Attachments: # <u>1</u> Ex A – Vaughn Index, # <u>2</u> Ex B – Decl. of T. Smith, # <u>3</u> Ex C – Decl. of H. Kravitz, # <u>4</u> Ex D – Decl. of T. Falkinburg)(Lynn, Wendy) (Entered: 09/30/2019)